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July 29, 2010

Mr. Corbin R. Davis, Clerk
Michigan Supreme Court
P.O. Box 30052
Lansing, MI 48909

Re: ADM File No. 2009-19

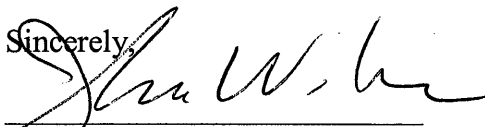
Dear Mr. Davis,

We are writing to comment on ADM File No. 2009-19, which would add MCR 6.502(H) and impose a new one-year statute of limitations for criminal defendants filing a motion for relief from judgment under MCR 6.500 ("6500 motions"). We strongly urge the Court to refrain from adopting MCR 6.502(H).

Since its adoption, MCR 6.500 has provided defendants with their last remedy under state law. Because these defendants are fighting for their freedom, they have no reason to delay the filing of a 6500 motion. Imposing an arbitrary time limit on filing for relief will only bar claims by those individuals who cannot meet the deadline due to a lack of resources. Those defendants who have access to the appropriate resources will continue to file 6500 motions as quickly as possible. Moreover, the system works in its current form. MCR 6.502(B) and (G) severely limit what motions may be filed; a defendant may only file one motion per conviction and may not file successive motions unless there is a retroactive change in the law. These limitations prevent defendants from abusing the system.

Most importantly, though, a defendant's right to challenge his conviction far outweighs any minor benefit that the system may see by imposing a one-year time limit on the challenge. The Rules are designed in such a way that a defendant's opportunity to challenge his conviction is already limited, and once a motion is filed, the defendant still carries the enormous burden of proving that relief is appropriate. Adoption of MCR 6.502(H), as proposed, would only serve to burden those defendants who deserve relief under MCR 6.500 and who lack the resources to proceed in a timely manner—those defendants who truly deserve the justice our system is designed to provide.

Sincerely,



Thomas W. Cranmer



Matthew F. Leitman